

**(2023) 02 KL CK 0218**

**In the High Court Of Kerala**

**Case No : Writ Petition (C) No.4690 Of 2023**

Prema Sethumadhavan

APPELLANT

Vs

District Police Chief Ernakulam Rural Office Of District Police  
Chief, Aluva, Ernakulam, Kerala, Pin 683101

RESPONDENT

**Date of Decision : 21-02-2023**

**Acts Referred:**

**Citation : (2023) 02 KL CK 0218**

**Hon'ble Judges : N. Nagaresh, J**

**Bench : Single Bench**

**Advocate : Ajith Viswanathan, Shibu Joseph, Sayed Mansoor Bafakhy Thangal,  
Balram S.A., M.Sriram, P.Viswanathan, E.C.Bineesh**

**Final Decision : Disposed Of**

## Judgement

N.Nagaresh, J

1. The petitioner is before this Court aggrieved by the obstructions caused by respondents 3 to 5, in the matter of construction of compound wall by the petitioner.

2. The petitioner states that there was some dispute between the petitioner and the 3rd respondent as to the boundary of the property. The petitioner has approached the Civil Court and obtained Exts.P1 and P2 judgment and decree respectively against the 3rd respondent. Thereafter, the petitioner filed E.P. No.254/2020 before the Munisiff's Court, Ernakulam to execute Ext.P2 decree. Pursuant to the proceedings, the Amin of the Court came to the site and demarcated the boundary between the property of the petitioner and that of the 3rd respondent. After the said demarcation, when the petitioner started to construct compound wall, respondents 3 to 5 have physically obstructed.

3. Though notice was served on respondents 3 to 5 by special messenger, there is no appearance for respondents 3 to 5. Government Pleader, on instructions, submitted that there was an old compound wall in the property of the petitioner.

The said compound wall was demolished as per the decree. The dispute is of a civil nature.

4. I have heard the learned counsel for the petitioner and the learned Government Pleader representing respondents 1 and 2.

5. From the pleadings, it is evident that the boundary dispute between the petitioner and the 3rd respondent has been adjudicated by the Munisiff's Court as per Exts.P1 and P2. The petitioner has filed E.P. No.254/2020 also and the Amin has demarcated the property of the petitioner as is evident from Ext.P4. If the petitioner constructs a compound wall in accordance with the demarcation made by the Amin of the Munisiff's Court as seen from Ext.P4, there cannot be any obstruction to such construction.

6. The petitioner would submit that the demolition of the compound wall pointed out by the petitioner was on the western side and the present obstruction is to the construction of compound wall along the northern boundary.

7. Taking into consideration the fact that the petitioner has obtained a judgment and decree in her favour and in execution proceedings, the boundary has been demarcated, the petitioner will be entitled to construct compound wall in accordance with such demarcation.

The writ petition is accordingly disposed of directing the 2nd respondent-Station House Officer to give adequate protection to the petitioner for construction of the compound wall, if the construction is otherwise in accordance with law and the construction is as per the demarcation made by the Civil Court as per Ext.P4.